

*City of Las Vegas*

**AGENDA MEMO**

**CITY COUNCIL MEETING DATE: JANUARY 7, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: GPA-29565 - APPLICANT/OWNER: DIBELLA LIVING TRUST**

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**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This application is a request to amend a portion of the Southeast Sector Plan of the General Plan from O (Office) to SC (Service Commercial) on 0.78 acres at the southwest corner of Charleston Boulevard and Pahor Drive. In addition to this application, the applicant has submitted a request for a Rezoning (ZON-29566) of 0.55 acres from R-1 (Single Family Residential) and P-R (Professional Office and Parking) to C-1 (Limited Commercial) and a Site Development Plan Review (SDR-31595) for a 5,105 square-foot Retail Development with Waivers of the Building Placement and Orientation Standards, to allow a five-foot landscape buffer along a portion of the east perimeter and to allow a four-foot landscape buffer along the west perimeter where eight feet is required.

Staff has determined that the range of uses within the SC (Service Commercial) land use category and the C-1 (Limited Commercial) zoning district are not compatible with the approved Rancho Charleston Land Use Study, which was developed to preserve the older, stable neighborhoods within the surrounding areas. Therefore, staff recommends denial of this request.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc.</i></b>	
09/16/64	The Board of City Commissioners denied a request to Reclassify property (Z-0037-63) from R-1 (Single Family Residential) to P-R (Professional Office and Parking) at the southwest corner of West Charleston Boulevard and Pahor Drive. The Planning Commission recommended approval of this request.
01/20/65	The Board of City Commissioners denied a request to Reclassify property (Z-0092-64) generally located on the south side of West Charleston Boulevard between Rancho Road and Pahor Drive from R-E (Residence Estates) to C-1 (Limited Commercial). The Planning Commission recommended denial of this request.
07/03/74	The Board of City Commissioners approved a request to Reclassify property (Z-0022-74) generally located on the south side of Charleston Boulevard between Pahor Drive and Rancho Road from R-E (Residence Estates) to C-1 (Limited Commercial) and R-1 (Single Family Residential). The Planning Commission recommended approval of this request.
09/05/84	The City Council approved a request to Reclassify property (Z-0058-84) from R-1 (Single Family Residential) to C-1 (Limited Commercial), located at 2021 West Charleston Boulevard for a proposed Floral Shop. The Planning Commission recommended and staff recommended approval of this request.

12/07/88	The City Council approved a request to Reclassify property (Z-0115-88) from R-1 (Single Family Residential) to C-1 (Limited Commercial) located at the west side of Pahor Drive, south of Charleston Boulevard for a proposed Office and Storage Facility for a Floral Shop. The Planning Commission and staff recommended approval of this request.
02/23/89	The Board of Zoning Adjustments approved a request for a Variance (V-0009-89) to allow storage for an existing flower shop on the adjoining property to the north (1106 Pahor Drive), where commercial storage is not permitted. Staff recommended denial of this request.
11/07/02	The Planning Commission approved a request for a Site Development Plan Review (SDR-1014) and a reduction of the on-site perimeter landscape requirements for a proposed restaurant at 7185 West Charleston Boulevard. Staff recommended approval of this request.
10/09/08	The Planning Commission approved a request to hold in Abeyance a request for Rezoning (ZON-29566) from R-1 (Single Family Residential) and P-R (Professional Office and Parking) to C-1 (Limited Commercial) and a General Plan Amendment (GPA-29565) to amend a portion of the Southeast Sector Plan of the General Plan from O (Office) to SC (Service Commercial) to allow the applicant time to prepare an associated Site Development Plan Review application.
12/04/08	The Planning Commission recommended approval of companion items ZON-29566 and SDR-SDR-31595 concurrently with this application.  The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #15/dc).
<b><i>Related Building Permits/Business Licenses</i></b>	
01/01/51	A business license (F04-00065) was issued for a florist at 2021 West Charleston Boulevard. The license is still active.
09/26/90	A building permit (#90083963) was issued for an illuminated pylon sign at 2021 West Charleston Boulevard. The project was completed on 11/27/90.
01/23/96	A business license (N06-00318) was issued for an administrative office at 1106 Pahor Drive. The license is still active.
01/26/96	A business license (L33-00039) was issued for lawn maintenance at 2021 West Charleston Boulevard. The license is still active.
12/17/04	A business license (M18-03076) was issued to a consulting firm at 2021 West Charleston Boulevard. The license was marked out of business on 11/02/06.
<b><i>Pre-Application Meeting</i></b>	
08/06/08	A pre-application meeting was held with the applicant to discuss Title 19 and the General Plan Amendment submittal requirements.



<b><i>Neighborhood Meeting</i></b>	
09/09/08	<p>A neighborhood meeting was held on Tuesday, September 9, 2008 at 6:00 p.m. at Las Vegas Lodge #1468 located at 4100 West Charleston Boulevard, Las Vegas, Nevada 89102. The applicant gave a brief description of the proposed change in land use designation, rezoning, and future plans for the site. Members of the public had the following questions and concerns relative to the applications:</p> <ul style="list-style-type: none"> <li>Residents had concerns about the height of the structure to be built on the site. The applicant responded that the proposed building will be no more than two stories in height, and that a Site Development Plan Review (SDR) application will be filed once the General Plan Amendment and Zoning applications are approved.</li> <li>Residents requested clarification about the boundaries of the proposed land use change and rezoning. The applicant confirmed that the applications pertained solely to the parcels where the current business/structures are located.</li> <li>Concerns were expressed that the applicant would “flip” the property upon receiving entitlements.</li> <li>Concerns were expressed about commercial traffic on Pahor Drive. The applicant explained that the principal access to the property was from Charleston Boulevard, and the driveway on Pahor Drive was only to be used by his own delivery trucks.</li> </ul>
<b><i>Field Check</i></b>	
09/02/08	A field check of the subject area was performed, where it is noted that the overall appearance of the business was neat and clean.

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	0.78 acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Flower Shop	O (Office)	C-1 (Limited Commercial)
North	Hospital and Medical Offices	UMC (Las Vegas Medical District)	PD (Planned Development)
South	Single-Family Dwellings	L (Low Density Residential)	R-1 (Single Family Residential)
East	Office	O (Office)	C-1 (Limited Commercial)
	Parking	O (Office)	R-1 (Single Family Residential)
West	Convalescent Homes	O (Office)	C-1 (Limited Commercial)



<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Area Plan</b>	X		
Rancho Charleston Land Use Study	X		N*
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>	X		Y
A-O Airport Overlay District (200 feet)	X		Y**
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

\* The proposed Rezoning (ZON-29566) to C-1 (Limited Commercial) and General Plan Amendment (GPA-29565) from O (Office) to SC (Service Commercial) is not in conformance with the land use goals and strategies identified within the Rancho Charleston Land Use Study.

\*\* The subject site is within the 200-foot contour limitation and does not exceed the height limitations, and is therefore in compliance with the Airport Overlay District.

## ANALYSIS

- **O (Office) Master Plan Land Use Designation**

The Office category provides for small lot office conversions as a transition along primary and secondary streets from residential and commercial uses, and for large planned office areas. Permitted uses include business, professional, and financial offices as well as offices for individuals, civic, social, fraternal, and other non-profit organizations.

- **SC (Service Commercial) Master Plan Designation**

The applicant is proposing to amend the current O (Office) Master Plan Land Use designation to the SC (Service Commercial) Master Plan Land Use designation to allow low to medium intensity retail, office, or other commercial uses that primarily serve local area patrons. This particular proposal consists of three parcels totaling 0.78 acres.

This amendment was submitted in conjunction with a proposed Rezoning (ZON-29566) from R-1 (Single Family Residential) and P-R (Professional Office and Parking) to C-1 (Limited Commercial). The SC (Service Commercial) designation is not compatible with the Rancho Charleston Land Use Study. The Master Plan Land Use Designation of O (Office) was established to provide a buffer to the older, established neighborhoods surrounding the area; therefore, staff recommends denial of this General Plan Amendment.

- **Rancho Charleston Land Use Study**

The Rancho Charleston Land Use Study was adopted by the City Council on 06/19/02. The study identified five goals for the area which were used to guide the development of specific land use strategies. These goals are to protect the existing residential neighborhoods from any additional encroachment by commercial and/or office uses, to buffer existing residential neighborhoods from more intense uses that currently exist, to eliminate residential blight by establishing specific minimum maintenance standards and enforcement practices, to minimize the impact of traffic on the residential neighborhoods within the Study area and to discourage and minimize the nuisance of obtrusive lighting, noise, odor, signs, etc. near residential neighborhoods.

Additionally, the land use strategy implemented by this plan included re-designating certain properties along Charleston Boulevard between Paratore Way and Rancho Drive from SC (Service Commercial) to O (Office). This action brought the General Plan into conformance with the land use pattern that had evolved in the vicinity and provided a land use pattern where the potential for conflicts and nuisances would be minimized. If this General Plan Amendment is approved, the resulting land use pattern that would be created would be in direct conflict with the surrounding land uses and negate the efforts of the findings of the Rancho Charleston Land Use Study.

## **FINDINGS**

Section 19.18.030.I of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,
2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,
3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and

4. The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.



**In regard to “1”:**

The proposed SC (Service Commercial) General Plan designation for the parcels currently designated as O (Office) is not compatible with the existing O (Office) and L (Low Density Residential) properties that surround the subject sites. The increase in the intensity of use will not only create an incompatibility with the surrounding area, but with the Rancho Charleston Land Use Study. Therefore, staff recommends denial of this request, as well as the affiliated application.

**In regard to “2”:**

Staff finds that a commercially zoned district would be inappropriate for this location, as this zoning district is intended to allow retail and general personal services, and may be appropriate for mixed-use developments. This district should be confined to intersections of primary and secondary thoroughfares along major retail corridors.

**In regard to “3”:**

Access to the site is provided by Charleston Boulevard, a 100-foot Primary Arterial as designated by the Master Plan of Streets and Highways. Pahor Drive, a 50-foot Local Street, as designated by the Master Plan of Streets and Highways, provides secondary access to the subject site. The three parcels are in an area of the City where all utilities, fire and police services are currently in place and available to the subject area. Therefore, there are adequate facilities available to accommodate the uses and densities permitted by the proposed General Plan Amendment.

**In regard to “4”:**

This proposed amendment does not conform to the Las Vegas 2020 Master Plan or the Rancho Charleston Land Use Study as the proposed land use designation of SC (Service Commercial) with a C-1 (Limited Commercial) zoning district is incompatible with the existing O (Office) and L (Low Density Residential) land use designations that surround the subject properties. Because the proposed General Plan designation is not compatible with the Las Vegas 2020 Master Plan or the Rancho Charleston Land Use Study, staff recommends denial.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

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**ASSEMBLY DISTRICT** 10

**SENATE DISTRICT** 9

**NOTICES MAILED** 86 by City Clerk



**APPROVALS** 2

**PROTESTS** 0